

A Victory for the Sunday Lager Beer Sellers.

DECISION IN THE CASE OF JUSTUS SCHWAB.

Boarding House Mysteries and Nuisances.

IMPORTANT TO LIQUOR IMPORTERS.

The liquor dealers, determined to test the question whether the action of the police authorities in arresting parties for selling lager beer on Sunday is legal, had Justus H. Schwab, one of the parties arrested, brought yesterday on a writ of habeas corpus before Judge Donohue, in Supreme Court, Chambers. Ex-Judge Freeman appeared as counsel for Schwab, and District Attorney Phelps represented the people. The court room was crowded and a sharply contested argument was anticipated, but the matter took a different turn from what was anticipated and ended in a manner wholly unforeseen, but it is hardly necessary to add as gratifying to the liquor dealers as it was unexpected.

Judge Freeman, after referring to the excitement caused by the matter recently adopted in enforcing the Sunday law, said the only question was whether the selling of lager beer on Sunday was an indictable offense. He then went on to say that the amended act of 1870 regulating the sale of intoxicating liquors contained no express prohibition against selling on Sunday, but that the amended act of 1870 contained a provision to the effect that "no intoxicating wine or liquors should be sold on Sunday as a beverage," under the penalty of fine and imprisonment, or both. The only question now was, whether lager beer was an intoxicating beverage within the meaning of the statute.

Mr. Phelps, in reply to the question, I wish to say something that may perhaps prevent the necessity of further arguing the case. Judge Donohue, in his decision, said that the law of 1869 provided that ale and beer should be deemed to be intoxicating, and under the law the General term of the Supreme Court, Judge Peckham writing the opinion, had decided some time in a case of the same character that the commitment would be defective unless it charged specifically that the beer was an intoxicating beverage; the present commitment contained no such specific charge, and as that decision was still upon the books the case was reversed, and the prisoner was discharged.

A BROOKLYN BOARDING HOUSE.

In the Marine Court, before Judge Alker and a jury, yesterday, there came on for trial a slender suit, brought by Mrs. Alice A. Thompson against Milledge Messenger, in which she seeks to recover \$2,000 damages. The parties to the suit are all Brooklynites, and the case is one of the most interesting that has been a strong supporter of Beecher. The slender complaint is that the defendant used language in reference to plaintiff, the defendant's inference from which is that she was a woman of unchaste character. It appeared from the testimony in the case that far that Mrs. Percy, at the time of the utterance of the alleged slander, kept a boarding house at No. 18 Sidney place, in Brooklyn; that defendant boarded there with his brother, and plaintiff, with her two married sisters, lived in the same house. About the idea of March, 1875, the younger brother of plaintiff, living in the same house, to which exception was taken, and which finally became the subject of the conversation in which the language alleged to have been uttered by defendant. The defendant was placed upon the stand, and while testifying absolutely that he never uttered a word reflecting upon the character of plaintiff, he was asked to explain what he did say. He testified in substance that at the time in question, complaint was made about the note written by plaintiff, and that he was asked to explain what he did say. He testified in substance that at the time in question, complaint was made about the note written by plaintiff, and that he was asked to explain what he did say.

COMMON PLEAS—SPECIAL TERM.

By Judge DeLoach. Rosenstein vs. Rosenstein. Referees for allimony and counsel fees settled.

MARINE COURT—CHAMBERS.

By Judge McAdams. Abrahamson vs. Silverman. Words contained in an affidavit used in a judicial proceeding and pertinent to the controversy are not admissible in evidence.

GENERAL SESSIONS—PART II.

Before Judge Gilchrist. Franklyn Judson was charged with burglariously entering the premises of Marshal J. Allen, 18th street and Moit avenue, on the 15th of May last. He was found guilty and sentenced to two years' imprisonment.

FIFTY-SEVENTH STREET COURT.

Before Judge Kassirer. A POLICEMAN ASSAULTED. On Tuesday night Officer Fritchman, of the Twenty-second precinct, attempted to disperse a crowd who were acting in a disorderly manner on the corner of Fifty-seventh street and Sixth avenue. The young men composing the gang are described by the police as among the most dangerous in the Twenty-second ward. The officer knew his danger in interfering with the party alone, but still he bravely determined to do his duty. They resisted and he began to use his club, but he was knocked down with a blow of a stone and then with a brick.

IMPORTERS OF LIQUORS.

A test case was tried and decided yesterday in the United States District Court of special importance to importers of foreign wines and liquors. It was an action brought by the government against Seymour McCulloch, an importer of foreign liquors, under section 218 of the Revised Statutes, for failure on the part of defendant and other importers to make entry in a book required to be kept by wholesale liquor dealers of the date and delivery of foreign spirits. The defense relied on was that the spirits were kept and sold in bond, and were never received or delivered from the premises of the importers, and that in such cases the law did not apply to foreign spirits. Judge Blanchford said that for the purposes of the statute government bonded warehouses were premises of importers, and that the law did apply to foreign spirits. The defense was overruled, and a verdict entered against the defendant in the penalty of a fine of \$100,000.

SUMMARY OF LAW CASES.

The case of the United States against John Gil and Charlotte Thompson, arrested for passing counterfeit bills on the Hampden National Bank, an examination was had yesterday and the prisoners remained.

The case of the United States against the Spring Valley Distillery, Rockland County, tried before Judge Blatchford, in February, 1875, and decided against the government, will be tried again next week. An appeal was taken against the decision on the former trial.

COURT CALENDARS—THIS DAY.

Supreme Court—Chambers—Held by Judge Donohue. Rosenstein vs. Rosenstein. Referees for allimony and counsel fees settled.

Supreme Court—Special Term—Held by Judge Alker. Rosenstein vs. Rosenstein. Referees for allimony and counsel fees settled.

Supreme Court—General Term—Held by Judge Alker. Rosenstein vs. Rosenstein. Referees for allimony and counsel fees settled.

Supreme Court—General Term—Held by Judge Alker. Rosenstein vs. Rosenstein. Referees for allimony and counsel fees settled.

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7574, 301, 1497, 2019, 1127, 871, 1071, 1915, 660, 1150, 718, 991, 1075, 8.

SUPREME COURT—GENERAL TERM—Adjourned until Monday, June 9.

SUPREME COURT—SPECIAL TERM—Held by Judge Seligman. Issues of fact—Nos. 41, 9, 54.

Judge Seligman—Nos. 207, 113, 1074, 1060, 1135, 1072, 1112, 1062, 1080, 1133, 737, 1042, 758, 1142, Part 1—Held by Judge Seligman. Issues of fact—Nos. 1065, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 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